

A 13/3627
11/21/03
Request
w/ statement

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fletcher et al. ✓
Serial No. : 09/518,627 ✓
Filed : March 3, 2000
Title : ADAPTABLE COIN MECHANISM

Art Unit : 2167
Examiner : F. Bartuska

BOX AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION MAILED APRIL 8, 2003

In the Office action, claims 1-9, 11-15, 18-20, 22-24 and 36-38 were rejected as anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 5,733,186. The Office action states that the rejections can be overcome only through interference proceedings.

Request for Interference

Applicants respectfully request that an interference be declared between the above-identified application ("the Fletcher et al. application") and U.S. Patent No. 5,733,186 ("the '186 patent").

The Fletcher et al. application is a continuation of U.S. Serial No. 09/172,981, filed October 14, 1998, which is a continuation of U.S. Serial No. 08/710,787, filed September 20, 1996.

Compliance with 37 C.F.R. 1.607(a)

The information required by 37 C.F.R. 1.607(a) is set forth under subheadings that correspond to the subsections of 37 C.F.R. 1.607(a).

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 7, 2003

Date of Deposit

Signature

Paula T. Romeo

Paula T. Romeo

Typed or Printed Name of Person Signing Certificate

(1) Identification of the Interfering Patent: The patent which claims subject matter interfering with the subject matter claimed in the instant application is U.S. Patent No. 5,733,186 ("the '186 patent") which issued on March 31, 1998 to Mark H. Leibu, entitled "Multiple Coin Tube Changer Operable Within Existing Vending Machine" and based on application no. 08/633,299 filed on April 17, 1996.

Coin Acceptors, Inc. of St. Louis, MO, is the assignee named on the face of the patent with which an interference is sought.

(2) Proposed Count: As suggested by the Examiner at page 4, paragraph 7 of the Office action, Applicants submit claim 19 of the '186 patent as the proposed Count:

A coin payout mechanism installable in a vending machine which includes a controller operable to determine an amount of change due during a vend operation, N coin tube interface lines connected to the controller, the controller operable to produce signals on the N coin tube interface lines, the coin payout mechanism comprising:

M coin tubes, each coin tube storing one coin type therein, where $M > N$ and where $M - N = 1$,

coin payout means associated with each coin tube, and

processing means operably connected to each of the coin payout means, the processing means configured for connection to each of the N coin tube interface lines so as to receive signals therefrom, the processing means operable to accumulate a change payout amount in response to signals received from the N coin tube interface lines, and the processing means operable in combination with the coin payout means of each coin tube to effect payout of coins therefrom.

(3) Identification of Claims in the '186 Patent that Correspond to the Proposed Count:

Applicants identify claims 1-20 of the '186 patent as corresponding to the Count.

(4) Identification of Claims in the Fletcher et al. Application that Correspond to the Proposed Count: Applicants identify claims 1-9, 11-15, 18-20, 22-24 and 36-38 of the pending application as corresponding to Count.

(5) Application of the Terms of Applicants' Newly Presented Claims to Applicant's Disclosure: The claims that have been identified as corresponding to the proposed Count are already in the application.

(6) The Requirements of 35 U.S.C. 135(b): The Fletcher et al. application has at least one claim which is the same as, or for substantially the same subject matter as the '186 patent. *Compare, e.g.,* application claim 5 *with* claim 19 of the '186 patent.

The '186 patent issued on March 31, 1998. The one-year period specified in 35 U.S.C. 135(b) ended on March 31, 1999.

The Fletcher et al. application is a continuation of U.S. Serial No. 09/172,981, filed October 14, 1998, which is a continuation of U.S. Serial No. 08/710,787, filed September 20, 1996. Claims 1-9, 11-15, 18-20, 22-24 and 36-38 of the Fletcher et al. application correspond substantially to the identically numbered claims that were pending in Application No. 08/710,787 after an Amendment was filed on April 16, 1998, within the one-year period specified in 35 U.S.C. 135(b). Those claims were based on the identically numbered claims that were pending in Application No. 08/710,787 after a Preliminary Amendment was filed on July 9, 1997, prior to issuance of the '186 patent.

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Attorney's Docket No.: 07703-245004 / MES0083

Applicants' Effective Filing Date is September 20, 1996

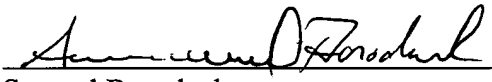
The Fletcher et al. application is a continuation of U.S. Serial No. 09/172,981, filed October 14, 1998, now abandoned, which is a continuation of U.S. Serial No. 08/710,787, filed September 20, 1996, now abandoned.

A Statement Under 37 C.F.R. 1.608(b) is submitted herewith.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: July 7, 2003



Samuel Borodach
Reg. No. 38,388

Of Counsel: John B. Pegram
Frederick H. Rabin

Fish & Richardson P.C.
45 Rockefeller Plaza, Suite 2800
New York, New York 10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291